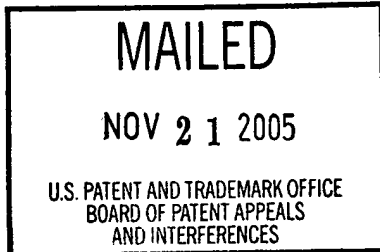


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte GARY M. KATZ

Application No. 09/776,714

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on September 29, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

- (1) The electronic file contains a Petition to Make Special under M.P.E.P. § 708.02(VIII) that was filed with the initial filing of the application on 02-06-2001. The electronic file also contains a paper dated 01-13-05 titled 37 CFR 1.181 Petition To Reinstate Withdrawn Claims 59-61 And Have The Withdrawn Claims Examined On The Merits. We find no corresponding Decision on Petition in response to these petitions within the electronic file.

(2) Appellant appropriately filed an Appeal Brief on April 7, 2005 under 37 CFR § 41.37(c). The Examiner mailed an Examiner Answer in response to the brief on June 27, 2005. A review of the answer indicate that the answer does not comply with the headings as set forth under 37 CFR § 41.37 (c). A revised examiner's answer that corresponds to the § 41.37(c) brief headings is required. For the required content in an examiner's answer under the new rules, the examiner is directed to the Manual Of Patent Examining Procedure (MPEP) § 1207.02(A) (8th ed., Rev. 3, August 2005).

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner for:

- a. the examiner to respond to the petitions filed on February 6, 2001 and January 13, 2005 (if not previously done);
- b. have the responses entered into the USPTO PALM SYSTEM, and into the electronic file;

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- c. to vacate the Examiner's Answer mailed June 27, 2005, and issue a revised Examiner's Answer in compliance with 37 CFR § 41.37(c); and
- d. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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